



UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RECEIVED

DEC 14 2011
Dec 14 2011
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

BENNY EBERHART SR.)
)
)
)
)
)

(Name of the plaintiff or plaintiffs)

CIVIL ACTION

Circuit Court of Cook County)
Robin Perkins, Holly Healy, Warren)
Howlett, Harold Goodson,)
Sherly B. B. Jones, Robert Jones,)
Francisco Lopez,)
Cecilia Strawn Tenkins)
(Name of the defendant or defendants)

NC

1:11-cv-08877

Judge William J. Hibbler

Magistrate Judge Jeffrey Cole

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.

2. The plaintiff is BENNY EBERHART of the
county of COOK in the state of ILLINOIS.

3. The defendant is Circuit Court of Cook County, whose
street address is 401 EAST 87TH PLACE,

(city) CHICAGO (county) COOK (state) ILLINOIS (ZIP) 60619

(Defendant's telephone number) (773) 294-4296

4. The plaintiff sought employment or was employed by the defendant at (street address)

555 W. HARRISON STREET (city) CHICAGO

(county) COOK (state) ILLINOIS (ZIP code) 60607

5. The plaintiff [*check one box*]

- (a) ☐ was denied employment by the defendant.
(b) ☐ was hired and is still employed by the defendant.
(c) ☒ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about,

(month) FEBRUARY, (day) 10, (year) 2011.

7.1 (*Choose paragraph 7.1 or 7.2, do not complete both.*)

(a) The defendant is not a federal governmental agency, and the plaintiff [*check*

one box] ☐ *has not* filed a charge or charges against the defendant
☒ *has*

asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

(i) ☒ the United States Equal Employment Opportunity Commission, on or about
(month) NOVEMBER (day) 29 (year) 2010.

(ii) ☐ the Illinois Department of Human Rights, on or about
(month) _____ (day) _____ (year) _____.

(b) If charges *were* filed with an agency indicated above, a copy of the charge is

attached. ☒ YES. ☐ NO, **but plaintiff will file a copy of the charge within 14 days.**

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

(a) the plaintiff previously filed a Complaint of Employment Discrimination with the defendant asserting the acts of discrimination indicated in this court complaint.

☐ Yes (month)_____ (day)_____ (year)_____

☐ No, did not file Complaint of Employment Discrimination

(b) The plaintiff received a Final Agency Decision on (month) September
(day) 16 (year) 2011.

(c) Attached is a copy of the

(i) Complaint of Employment Discrimination,

☒ YES ☐ NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☒ YES ☐ NO, but a copy will be filed within 14 days.

8. (Complete paragraph 8 only if defendant is not a federal governmental agency.)

(a) ☐ the United States Equal Employment Opportunity Commission has not issued
a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued a
Notice of Right to Sue, which was received by the plaintiff on
(month) September (day) 23 (year) 2011 a copy of which
Notice is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [*check only those that apply*]:

(a) ☐ Age (Age Discrimination Employment Act).

(b) ☒ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

- (c) ☒ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☒ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)
10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).
11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.
12. The defendant [*check only those that apply*]
- (a) ☐ failed to hire the plaintiff.
- (b) ☒ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.
- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☒ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☒ failed to stop harassment;
- (g) ☒ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
- (h) ☒ other (specify): I FILED A COMPLAINT (09CV2374)
BEFORE JUDGE SHADUR / MAG JUDGE NELAN - 2009 APRIL

13. The facts supporting the plaintiff's claim of discrimination are as follows:

I WAS NOT ALLOWED TO UTILIZE MY SENIORITY RIGHTS AS A SENIOR CLERK. THE DEFENDANTS ALLOWED, NON-AFRICAN AMERICAN/CAUCASIAN EMPLOYEES, THE RIGHT TO TRANSFER FROM A LOCATION THAT WAS THE SAME LOCATION OF MY DISCRIMINATORY ACTIONS. I WAS NOT ASSISTED IN ACCORDANCE TO THE AMERICAN DISABILITIES ACT, THAT I WAS ENROLLED ON THE JOB IN INJURIES THAT ALL THREE REQUIRED SURGERIES.

14. [AGE DISCRIMINATION ONLY] Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff [check only those that apply]

- (a) ☐ Direct the defendant to hire the plaintiff.
- (b) ☒ Direct the defendant to re-employ the plaintiff.
- (c) ☒ Direct the defendant to promote the plaintiff.
- (d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
- (e) ☒ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
- (f) ☒ Direct the defendant to (specify): ALLOW THE PLAINTIFF HIS SENIORITY RIGHTS AND HALT ALL FALSE ACCUSATIONS

AND DISCRIMINATORY ACTIONS TOWARD THE
PLAINTIFF.

(g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.

(h) ☒ Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)

Benny Eberhardt Sr.

(Plaintiff's name)

BENNY EBERHARDT SR.

(Plaintiff's street address)

401 E. 87TH PLACE

(City) CHICAGO (State) IL (ZIP) 60619

(Plaintiff's telephone number) 773-294-4296

Date: 12-14-11

EEOC Form 161 (11/08)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Benny R. Eberhardt**
401 E. 87th Place
Chicago, IL 60619

From: **Chicago District Office**
500 West Madison St
Suite 2000
Chicago, IL 60661

CERTIFIED MAIL 7011 1570 0001 8378 3574



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2011-01075

Shawn Hayes,
Investigator

(312) 869-8036

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

John P. Rowe
John P. Rowe,
District Director

9/14/11
 (Date Mailed)

Enclosures(s)

cc: CIRCUIT COURT COOK COUNTY

EEOC Form 5 (1/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

440-2011-01075 Amended

Illinois Department Of Human Rights

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Mr. Benny R. Eberhart

Home Phone (Incl. Area Code)

(773) 904-7612

Date of Birth:

8/3/1952

Street Address

City, State and ZIP Code

607 West Buckingham, Chicago, IL 60657

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

CIRCUIT COURT COOK COUNTY

No. Employees, Members

500 or More

Phone No. (Include Area Code)

(312) 603-3100

Street Address

City, State and ZIP Code

50 W Washington, Chicago, IL 60602

Name

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE☐ COLOR☐ SEX☐ RELIGION☐ NATIONAL ORIGIN☒ RETALIATION☐ AGE☒ DISABILITY☐ GENETIC INFORMATION☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

2-10-2011☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

I was hired by Respondent in December 1989. I currently work as a Deputy Court Clerk. During my employment, I filed EEOC charge #440-2008-05240. After filing my charge, I was denied a permanent work location transfer. Respondent is aware of my disability. I have requested a reasonable accommodation which Respondent has not provided. I was suspended on November 12, 2010 and on February 10, 2011, I was discharged.

In November 2010, I filed the instant charge. Subsequently, I was suspended. Respondent has also continued to deny my transfer and has not provided me my reasonable accommodation requests.

I believe that I have been discriminated against because of my race, Black, and in retaliation for engaging in protected activity, in violation of Title VII of the Civil Rights Act of 1964, as amended.

I also believe that I have been discriminated against because of my disability and in retaliation for engaging in protected activity, in violation of the Americans with Disabilities Act of 1990, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

2-19-11
Date

Benny Eberhart
Charging Party Signature

DC Form 5 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA
☒ EEOC

440-2011-01075

Illinois Department Of Human Rights

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

Mr. Benny R. Eberhart

Home Phone (Incl. Area Code)

(773) 857-1529

Date of Birth

8/3/1952

Street Address

City, State and ZIP Code

07 West Buckingham, Chicago, IL 60657

I am filing this charge because I believe I am being discriminated against by the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

CIRCUIT COURT COOK COUNTY

No. Employees, Members

500 or More

Phone No. (Include Area Code)

(312) 603-3100

Street Address

City, State and ZIP Code

0 W Washington, Chicago, IL 60602

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☒ RETALIATION ☐ AGE ☒ DISABILITY ☐ GENETIC INFORMATION
☐ OTHER (Specify)DATE(S) DISCRIMINATION TOOK PLACE
Earliest Latest

11-29-2010

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I was hired by Respondent in December 1989. I currently work as a Deputy Court Clerk. During my employment, I filed EEOC charge #440-2008-05240. After filing my charge, I was denied a permanent work location transfer. Respondent is aware of my disability. I have requested a reasonable accommodation which Respondent has not provided. I was suspended on November 12, 2010.

I believe that I have been discriminated against because of my race, Black, and retaliated against for engaging in protected activity, in violation of Title VII of the Civil Rights Act of 1964, as amended.

I also believe that I have been discriminated against because of my disability, in violation of the Americans with Disabilities Act of 1990, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

Nov 29, 2010

Date

Benny Eberhart
Charging Party Signature



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION INTAKE QUESTIONNAIRE

Please immediately complete this entire form and return it to the U.S. Equal Employment Opportunity Commission ("EEOC"). **REMEMBER**, a charge of employment discrimination must be filed within the time limits imposed by law, within 180 days or in some places within 300 days of the alleged discrimination. When we receive this form, we will review it to determine EEOC coverage. Answer all questions completely, and attach additional pages if needed to complete your responses. If you do not know the answer to a question, answer by stating "not known." If a question is not applicable, write "N/A." (PLEASE PRINT)

1. Personal Information

Last Name: EBERHARDT First Name: BENNY MI: P.
Street or Mailing Address: 607 W. BUCKINGHAM PL Apt or Unit #: 1-EAST
City: CHICAGO County: COOK State: IL Zip: 60657
Phone Numbers: Home: (773) 904-7612 Work: (773) 404-3306
Cell: (773) 294-4296 Email Address: ebhardtben@yahoo.com
Date of Birth: 8-3-52 Sex: ☒ Male ☐ Female Do You Have a Disability? ☒ Yes ☐ No

Please answer each of the next three questions. i. Are you Hispanic or Latino? ☐ Yes ☐ No
ii. What is your Race? Please choose all that apply. ☐ American Indian or Alaskan Native ☐ Asian ☐ White
☒ Black or African American ☐ Native Hawaiian or Other Pacific Islander

iii. What is your National Origin (country of origin or ancestry)? _____

Please Provide The Name Of A Person We Can Contact If We Are Unable To Reach You:

Name: MARTINA EBERHARDT Relationship: WIFE
Address: 607 W. BUCKINGHAM PL City: CHICAGO State: IL Zip Code: 60657
Home Phone: (773) 904-7612 Other Phone: (773) 307-0680

2. I believe that I was discriminated against by the following organization(s): (Check those that apply)

☒ Employer ☒ Union ☐ Employment Agency ☐ Other (Please Specify) _____
Organization Contact Information (If the organization is an employer, provide the address where you actually worked. If you work from home, check here ☐ and provide the address of the office to which you reported.) If more than one employer is involved, attach additional sheets.

Organization Name: CIRCUIT COURT OF COOK COUNTY
Address: 50 W. WASHINGTON County: COOK
City: CHICAGO State: IL Zip: 60602 Phone: (312) 603-5096
Type of Business: CRIMINAL Job Location if different from Org. Address: 2452 W. Belmont
Human Resources Director or Owner Name: HOLLIS HEALY Phone: (312) 603-6715

Number of Employees in the Organization at All Locations: Please Check (✓) One

☐ Fewer Than 15 ☐ 15 - 100 ☐ 101 - 200 ☐ 201 - 500 ☒ More than 500

3. Your Employment Data (Complete as many items as you are able.) Are you a federal employee? ☐ Yes ☐ No

Date Hired: 12-1-89 Job Title At Hire: DEPUTY COURT CLERK I
Pay Rate When Hired: \$600.00 PER MONTH Last or Current Pay Rate: \$2,400 PER MONTH
Job Title at Time of Alleged Discrimination: DEPUTY COURT CLERK Date Quit/Discharged: STILL EMPLOYED
Name and Title of Immediate Supervisor: STEVE CHAN SUPERVISOR
If Job Applicant, Date You Applied for Job _____ Job Title Applied For _____

What is the reason (basis) for your claim of employment discrimination?

EXAMPLE If you feel that you were treated worse than someone else because of race, you should check the box next to race. If you feel you were treated worse for several reasons, such as your sex, religion and national origin, you should check that apply. If you complained about discrimination, participated in someone else's complaint, or filed a charge of discrimination, and a negative action was threatened or taken, you should check the box next to Retaliation.

Race ☐ Sex ☐ Age ☐ Disability ☐ National Origin ☐ Religion ☒ Retaliation ☐ Pregnancy ☐ Color (typically a difference in skin shade within the same race) ☐ Genetic Information; circle which type(s) of genetic information is involved: genetic testing ii. family medical history iii. genetic services (genetic services means counseling, education or testing)

If you checked color, religion or national origin, please specify: _____

If you checked genetic information, how did the employer obtain the genetic information? _____

Other reason (basis) for discrimination (Explain): _____

5. What happened to you that you believe was discriminatory? Include the date(s) of harm, the action(s), and the name(s) and title(s) of the person(s) who you believe discriminated against you. Please attach additional pages if needed.

(Example: 10/02/06 - Discharged by Mr. John Soto, Production Supervisor)

A. Date: FEB. 2, 2010 Action: I WAS FALSELY ACCUSED OF SEXUAL HARASSMENT BY SUPERVISOR STERY BOLDEN AND SPANISH INTERPRETER - ELSA PRADO / NOT ALLOWED TO TRANSFER
Name and Title of Person(s) Responsible: GENERAL MANAGER STERY BOLDEN AND ELSA PRADO SPANISH INTERPRETER

B. Date: 4-10-10 Action: DISCRIMINATION BY NOT ALLOWING ME TO TRANSFER TO ANOTHER SECTION / LOCAL UNION LIST AND FALSE ACCUSATION OF THEFT BY SUPERVISOR
Name and Title of Person(s) Responsible: HOLLY HEALY, WAREHOUSE LET, HARDWARE, STEEL, DIRT, ROBERTS, ELSA PRADO

6. Why do you believe these actions were discriminatory? Please attach additional pages if needed.

THEY ALLOWED A WHITE CAUCASIAN / ERIC LANDERS TO TRANSFER OUT AFTER FILING CHARGES OF DISCRIMINATION - RETALIATION FROM FILING EEOC CHARGE - IN 2008 AGAINST THEM.

7. What reason(s) were given to you for the acts you consider discriminatory? By whom? His or Her Job Title?

ALL THE ABOVE MENTIONED MANAGERS HAVE COLLECTIVELY ATTEMPTED AND PRESENTLY STILL ATTEMPTING TO HARASS AND DISCRIMINATE AGAINST ME BY FILING FALSE ACCUSATIONS.

8. Describe who was in the same or similar situation as you and how they were treated. For example, who else applied for the same job you did, who else had the same attendance record, or who else had the same performance? Provide the race, sex, age, national origin, religion, or disability of these individuals, if known, and if it relates to your claim of discrimination. For example, if your complaint alleges race discrimination, provide the race of each person; if it alleges sex discrimination, provide the sex of each person; and so on. Use additional sheets if needed.

Of the persons in the same or similar situation as you, who was treated better than you?

Full Name	Race, Sex, Age, National Origin, Religion or Disability	Job Title	Description of Treatment
A. ERIC LANDERS	CAUCASIAN -	FILE CLERK	TRANSFERRED / WNO PROBLEMS, DUE TO HIS POLITICAL AFFILIATIONS WITH ENZA RANIGI - ASSOCIATE

B. _____

Of the persons in the same or similar situation as you, who was treated worse than you?

Full Name	Race, Sex, Age, National Origin, Religion or Disability	Job Title	Description of Treatment
ABRIAN JAMES	DEPUTY COURT CLERK - AFRICAN/AMERICAN		CRIMINAL CHARGES STREETS
By GENERAL MANAGER - JHERYL BOLDEN			

B.

Of the persons in the same or similar situation as you, who was treated the same as you?

Full Name	Race, Sex, Age, National Origin, Religion or Disability	Job Title	Description of Treatment
A. NONE	AS BAD AS ME		

B.

Answer questions 9-12 only if you are claiming discrimination based on disability. If not, skip to question 13. Please tell us if you have more than one disability. Please add additional pages if needed.

9. Please check all that apply:

- ☒ Yes, I have a disability
☐ I do not have a disability now but I did have one
☐ No disability but the organization treats me as if I am disabled

10. What is the disability that you believe is the reason for the adverse action taken against you? Does this disability prevent or limit you from doing anything? (e.g., lifting, sleeping, breathing, walking, caring for yourself, working, etc.).

MY BACK SURGERY AND BOTH KNEE SURGERIES, ALL ON THE JOB INJURIES HAVE BEEN IGNORED - I'M ON AMER AND DISABILITY APPROVAL AND I HAVE BEEN SUSPENDED/PENALIZED

11. Do you use medications, medical equipment or anything else to lessen or eliminate the symptoms of your disability?

☒ Yes ☐ No

If "Yes," what medication, medical equipment or other assistance do you use?

BACK BRACE AND KNEE BRACES

12. Did you ask your employer for any changes or assistance to do your job because of your disability?

☒ Yes ☐ No

If "Yes," when did you ask? AUGUST 2010 How did you ask (verbally or in writing)? VERBALLY

Who did you ask? (Provide full name and job title of person)

ADA ATALOLIE - BENEFITS COORDINATOR - LEGAL ANALYST

Describe the changes or assistance that you asked for: I REQUESTED AN ERGONOMICS FURNITURE ACCOMMODATION AND HAS YET TO BE GRANTED ANYTHING -

How did your employer respond to your request? THEY AGREED, BUT HAS NOT FOLLOWED THE AGREEMENT

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Chicago District Office

500 West Madison St., Suite 2000
Chicago, IL 60661
PH: (312) 869-8010
TTY: (312) 869-800
ENFORCEMENT FAX: (312) 869-8220
LEGAL FAX: (312) 869-8124

NOTICE OF DISCLOSURE RIGHTS

Parties to an EEOC charge are entitled to review and obtain copies of documents contained in their investigative file. Requests must be made in writing to **Sylvia Bustos** and mailed to the address above or faxed to (312) 869-8220.

If you are the Charging Party and a RIGHT TO SUE has been issued, you may be granted access to your file:

- * **Before filing a lawsuit**, but within 90 days of your receipt of the Right to Sue, or
- * **After your lawsuit has been filed**. If more than 90 days have elapsed since your receipt of the Right to Sue, include with your request a copy of the first page of your court complaint reflecting the docket number.

If you are the Respondent you may be granted access to the file only after a lawsuit has been filed. Include with your request a copy of the first page of the court complaint reflecting the docket number.

Pursuant to federal statutes, certain documents, such as those which reflect the agency's deliberative process, will not be disclosed to either party.

You must sign an Agreement of Nondisclosure before you are granted access to the file. (Statutes enforced by the EEOC prohibit the agency from making investigative information public.)

Your request for access to your file will be acted upon no later than ten (10) days following receipt of your request.

When the file becomes available for review, you will be contacted. You may review the file in our offices and/or request that a copy of the file be sent to you. Files may not be removed from the office.

Your file will be copied by Aloha Document Services, 50 East Van Buren, Suite 1502, Chicago, IL 60606, (312) 542-1300. You are responsible for the copying costs and must sign an agreement to pay these costs before the file will be sent to the copy service. Therefore, it is recommended that you first review your file to determine what documents, if any, you want copied. EEOC cannot review your file or provide a count of the pages contained in it. If you choose not to review your file, it will be sent in its entirety to the copy service, and you will be responsible for the cost. Payment must be made directly to Aloha Document Services.

YOU MAY FILE A CHARGE

Sometimes we cannot tell whether what happened to you is something that we should investigate. We may ask you to get additional information or wait until it is clear as to what has happened and then to return to our office.

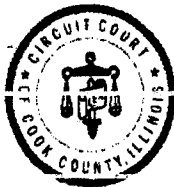
Regardless of what we believe, you may file a charge with us. This is your decision to make. If you file a charge under these circumstances, we may still dismiss your charge because we have no authority to investigate or because we believe that no violation of the law has occurred. Filing a charge gives you an independent right to sue the organization. Whether you would win your lawsuit would be a matter for the court to determine.

**My signature acknowledges that I have read the
INFORMATION ON EMPLOYMENT DISCRIMINATION /
YOU MAY FILE A CHARGE.**

Signature: Bonny Elbert

Date: 11-29-10

DOROTHY BROWN
CLERK OF THE CIRCUIT COURT



Human Resources
Richard J. Daley Center
Room 1003
Chicago, Illinois 60602
(312) 603-4671
FAX (312) 603-5043
www.cookcountyclerkscourt.org

OFFICE OF THE CLERK OF THE CIRCUIT COURT OF COOK COUNTY

Personal and Confidential

February 10, 2011

Mr. Benny Eberhardt
607 W. Buckingham Palace, 1E
Chicago, IL 60657

Dear Mr. Eberhardt:

Please be advised that you have accumulated **fifty-one (51)** attendance points as of February 8, 2011, thereby exceeding the termination level of the Office of the Clerk of the Circuit Court ("Clerk's Office") Attendance/Discipline Policy. This letter is your written notification that you have failed to provide Labor Relations with sufficient documentation to reduce your attendance point level below 25 points as of February 10, 2011.

Our records indicate that you have received progressive discipline on the following dates: You received a Verbal Warning on December 31, 2007 and a Written Warning on March 13, 2008; on December 22, 2008, you received notification of a 1-Day Suspension which you served on December 23, 2008; on December 16, 2008, you received notification of a 3-Day Suspension which you served from January 6, 2009 through January 8, 2009; and on March 9, 2009, you received notification of a 5-Day Suspension which you served from March 16, 2009 through March 20, 2009. Our records also indicate that you received an additional 5-Day Suspension dated November 8, 2010 which you served from November 15, 2010 through November 19, 2010.

In addition, our records indicate you received an additional 10-Day Suspension for which you served from December 13, 2010 through December 28, 2010. Despite the repeated warnings from Labor Relations and your agreement to take corrective action to adhere to the Attendance Policy of the Clerk's Office, you continued to accrue attendance points.

Based upon the information that we have gathered concerning your attendance points, the 51 attendance points remain sustained at this present date. As a result, it has been determined that your seniority and employment relationship with the Clerk's Office are both hereby terminated effective, **February 10, 2011**, for violations of the following sections of the General Rules and Regulations and Attendance Policy:

Article V, Section 5 (Termination of Seniority), Collective Bargaining Agreement,

- (b) discharge for just cause.

Part IV, Section Four General Rules and Regulations

- 4.1.9 - violation of the attendance policy or leave of absence policy including excessive tardiness or absenteeism, or falsification of any related documentation.

Code of Ethics

- Section 6G – Court employees shall adhere to all policies, General Rules and Regulations, and other standards of conduct for the Clerk of the Circuit Court.

Attendance Policy

- 25 or more points Termination Level

Mr. Benny Eberhardt

- 2 -

February 10, 2011

In accordance with the Collective Bargaining Agreement, you are entitled to a Personnel Review Board Hearing ("PRB") hearing. See Article XVII, Section 3(Grievance Procedure) of the Collective Bargaining Agreement. **You must notify Labor Relations on the attached PRB Hearing Request form within five (5) days of receipt of this disciplinary notice should you wish to appeal this decision.** A decision of the PRB will be rendered within fifteen (15) days of the hearing. The Union in its sole determination in accordance with Article XVII, Section 9, may elect to submit the matter for resolution to an impartial third party.

You may choose to resign in lieu of discharge, however, by doing so you will also waive your right to a PRB Hearing. If you wish to resign in lieu of discharge, please sign the attached letter of resignation.

You therefore must immediately surrender your County I.D, and any other property belonging to the County and/or the Clerk of the Circuit Court to the Human Resources Department.

Please be advised that your health insurance benefits will be terminated as of February 28, 2011. Enclosed please find COBRA information regarding the continuation of your health insurance benefits. Please contact the Employee Benefits Office at Risk Management at 312-603-6385 regarding insurance questions. In addition, please contact the Pension Board at 312-603-1200 regarding your pension benefits.

Please contact me at 312-603-6979, or James D'Archangelis, Assistant Chief Deputy Clerk, at 312-603-4677 if you have any questions regarding the contents of this letter.

Sincerely,



Hollys Healy
Chief Deputy Clerk for Labor Relations

Attachments

cc: Barbara Cornett, Business Representative – Teamster Local 700

Hon. Dorothy Brown
Chief Deputy Clerk
Chronology

Eduna Wilks
Personnel File

Robbin Perkins
Labor Relations File

Supervisor's Signature

Date

APPROVED BY CHIEF DEPUTY CLERK:

(Signature)

Labor Relations Officer

Date

2011 FEB 10 P 1:42
RECEIVED
CLERK OF COURT
CHIEF DEPUTY CLERK

Supervisor's Signature

Date

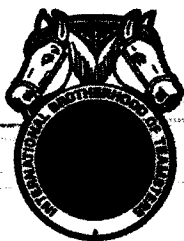
ROVED BY CHIEF DEPUTY CLERK:

(Signature)

Labor Relations Officer

Date

2011 FEB 10 PM 4:42
CLERK OF COURT
CLERK OF COURT
CLERK OF COURT



TEAMSTERS LOCAL 700

Affiliated with the International Brotherhood of Teamsters

1300 West Higgins Road ... Park Ridge, Illinois 60068

Phone: 847-939-9700 ... Fax: 847-518-6495

JOHN T. COLI, Trustee

WILLIAM P. LOGAN, Assistant Trustee

BECKY STRZECZOWSKI, Assistant Trustee

September 29, 2011

Via Regular Mail and Email

Benny Eberhart
401 East 87th Place
Chicago, Illinois 60619
Email: eberhardtbenney@yahoo.com

RE: arbitration hearing

Dear Mr. Eberhart:

Per your request, I am writing to inform you that the arbitration hearing is scheduled for November 18, 2011 before Arbitrator Ellen Alexander. I will resist any effort on the part of the Clerk to continue the arbitration from that date. It is imperative that you maintain regular contact with my office prior to this time, and notify me of any phone or address changes.

Please feel free to contact me at the number below to discuss any concerns you might have.

Very truly yours,

Cass T. Casper

Staff Attorney

Teamsters Local 700

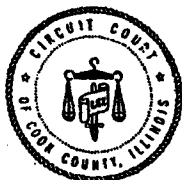
1300 West Higgins Road, Suite 301

Park Ridge, Illinois 60068

Phone: (847) 939-9700

Fax: (847) 518-6495

cc:
File



DOROTHY BROWN
CLERK OF THE CIRCUIT COURT

HUMAN RESOURCES
Richard J. Daley Center
Room 1003
Chicago, Illinois 60602
(312) 603-4671
FAX (312) 603-5043
www.cookcountyclerkofcourt.org

OFFICE OF THE CLERK OF THE CIRCUIT COURT OF COOK COUNTY

INTEROFFICE MEMORANDUM

To: Benny Eberhardt
Criminal Department

From: Ada Mbeledogu-Etolue
Benefits Coordinator and HR Legal Analyst

Re: Americans with Disability Act Accommodation-Offer Letter

Date: September 14, 2010

2010 SEP 30 AM 11:27
DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
COOK COUNTY, ILLINOIS

We are in receipt of your request for reasonable accommodation pursuant to ADA. Specifically, you requested the following accommodations:

1. To be provided with an ergonomic chair.

The ADA committee has granted the above request:

1. An ergonomic chair.
Please have your healthcare provider choose the appropriate chair from the enclosed 3 page catalog.

Upon receipt and review of this letter, you may contact me to schedule another interactive meeting or a conference call with your union steward to discuss the committee's decision. You must respond to this offer of accommodation within 7 business days from the date of this letter. Failure to do so will be deemed a rejection of the committee's offer."

If you have read and accepted the committee's offer of accommodation please sign below.

Benny Eberhardt Date 10-1-10
Benny Eberhardt

If you have read and rejected any or all of the offered accommodations please sign and date below.

Benny Eberhardt

Explain: THE ERGONOMIC CHAIR WAS
NEVER DELIVERED TO MY
WORK LOCATION.



MISSION STATEMENT

The mission of the Office of the Clerk of the Circuit Court is to serve the citizens of Cook County and the participants in the judicial system in an efficient, effective and ethical manner. All services, information and court records will be provided with courtesy and cost efficiency.

OFFICE OF THE CLERK OF THE CIRCUIT COURT OF COOK COUNTY



DOROTHY BROWN
CLERK OF THE CIRCUIT COURT

HUMAN RESOURCES
Richard J. Daley Center
Room 1003
Chicago, Illinois 60602
(312) 603-4671
FAX (312) 603-6043
www.cookcountyclerkofcourt.org

INTEROFFICE MEMORANDUM

To: Benny Eberhardt
Criminal Department

From: Ada Mbeledogu-Etolue
Benefits Coordinator and HR Legal Analyst

Re: Americans with Disability Act Accommodation-Offer Letter

Date: September 14, 2010

We are in receipt of your request for reasonable accommodation pursuant to ADA. Specifically, you requested the following accommodations:

1. To be provided with an ergonomic chair.

The ADA committee has granted the above request:

1. An ergonomic chair.
Please have your healthcare provider choose the appropriate chair from the enclosed 3 page catalog.

Upon receipt and review of this letter, you may contact me to schedule another interactive meeting or a conference call with your union steward to discuss the committee's decision. You must respond to this offer of accommodation within 7 business days from the date of this letter. Failure to do so will be deemed a rejection of the committee's offer."

If you have read and accepted the committee's offer of accommodation please sign below.

Date _____
Benny Eberhardt

If you have read and rejected any or all of the offered accommodations please sign and date below.

Date _____
Benny Eberhardt

Explain: _____

NEVER SENT ERGONOMIC CHAIR!!



Printed on RECYCLED PAPER

MISSION STATEMENT

The mission of the Office of the Clerk of the Circuit Court is to serve the citizens of Cook County and the participants in the judicial system in an efficient, effective and ethical manner. All services, information and court records will be provided with courtesy and cost efficiency.

ADA Offer of Accommodation
Benny Eberhardt
Page 2

Confidential

Please be advised that if the committee has offered you an accommodation, upon acceptance, the Clerk's Office will continue to monitor your accommodation (every six months) to ensure that you are able to perform the essential functions of your job with the accommodations provided to you. If you are still unable to perform the essential functions of your job with the accommodation offered to you, Management may reconsider your accommodation.

If you need additional information or have any questions regarding your accommodation request, please contact me at (312) 603-4048.

Cc: Gail Lutz, Chief of Staff/Executive Clerk for Human Resources and
Public Policy
Robbin Perkins, Chief Human Resource Officer
Hollis Healy, Chief Deputy Clerk of Labor Relations
ADA File

OFFICE OF THE CLERK OF THE CIRCUIT COURT OF COOK COUNTY

INTEROFFICE MEMORANDUM



DOROTHY BROWN
CLERK OF THE CIRCUIT COURT

HUMAN RESOURCES
Richard J. Daley Center
Room 1003
Chicago, Illinois 60602
(312) 603-4671
FAX (312) 603-5043
www.cookcountyclerkofcourt.org

PERSONAL AND CONFIDENTIAL
BY INTEROFFICE MAIL DELIVERY

TO: Benny Eberhardt
Criminal Department

FROM: Ada Mbeledogu-Etolue
Benefits Coordinator and HR Legal Analyst

DATE: September 8, 2010

RE: Light Duty Approval Letter

2009 SEP 15 A 1:34
DOROTHY BROWN
CLERK OF THE CIRCUIT COURT
OF COOK COUNTY

Labor Relations has received your medical note dated August 6, 2010. On behalf of Gail Lutz, Chief of Staff/Executive Clerk for Human Resources and Public Policy, **you are approved for a Temporary Duty Restriction or Light Duty assignment for 3 months pending a decision on your ADA request.** All other work conditions for your job remain the same.

Your Temporary Restriction or Light Duty assignment is approved based on the restrictions prescribed by your healthcare provider as they apply to your specific job duties. Your health care provider has prescribed the following restriction(s):

1. No excessive walking or standing
2. Allowed to change positions at least every hour while still performing job functions.

Your Temporary Restricted or Light Duty assignment was effective **August 6, 2010** and will end on **November 6, 2010** or when any of the following conditions are met:

- Your healthcare provider releases you for regular duty.
- Appropriate restriction or light duty assignments are not available or no longer available.
- The term of your approved Temporary Restricted assignment has ended.

You must re-submit a new Healthcare Provider Certification before the end of your approved period if your restriction will not be lifted within 3 months of your re-evaluation.



Printed on RECYCLED PAPER

MISSION STATEMENT

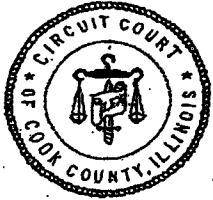
The mission of the Office of the Clerk of the Circuit Court is to serve the citizens of Cook County and the participants in the judicial system in an efficient, effective and ethical manner. All services, information and court records will be provided with courtesy and cost efficiency.

OFFICE OF THE CLERK OF THE CIRCUIT COURT OF COOK COUNTY

The First Municipal Criminal Department

Domestic Violence
Division

Facsimile Transmittal Sheet



Dorothy Brown
Clerk of the Circuit Court

The First Municipal
Department

Sheryl Bolden
General Manager

Domestic Violence
Division

555 W. Harrison
Chicago Illinois

(312) 325 9500
Fax (312) 325 9510

www.cookcountyclerkofcourt.org

To:

From:

Company /Division

Fax:

Date:

Phone:

of Pages Including this page

Re:

I WAS THE UNION STEWARD
AND WAS POLITICALLY TARGETED!

Urgent

For Review

Please Reply/Comment

Confidential

TEAMSTERS LOCAL UNION NO. 714
Facility Union Steward



Benny Eberhardt
Circuit Court Clerks
Domestic Violence Court
Chicago, Illinois
tel: 312-325-9488
cell: 773-294-4296

MISSION STATEMENT

The mission of the Clerk of the Circuit Court of Cook County is to serve the citizens of Cook County and the participants in the judicial system in a timely, efficient and ethical manner. All services, information and court records will be provided with courtesy and cost efficiency